IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

W.P(C).No. 30654 of 2007(Y)

PETITIONER:

O.C.SAMUAL, S/O.LATE GEORGE,
UMMACHERIL HOUSE,
CHIGAVANAM POST,
NATTAKOM VILLAGE,
KOTTAYAM DISTRICT.

BY ADV. SRI.P.KURUVILLA JACOB

RESPONDENTS:

THE REGIONAL TRANSPORT OFFICER,
MUVATUPUZHA, ERNAKULAM DISTRICT.

BY GOVT. PLEADER, SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 30654 OF 2007 Y

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Dated this the 10th day of December, 2007

J U D G M E N T

This writ petition is filed praying for a direction to issue C.C. Clearance in the R.C. Book to the petitioner. It is stated that for this purpose the petitioner has filed Ext. P5 application before the respondent and that there has not been any action taken on the said application.

2. As a matter of fact, if Ext. P5 has been received by the respondent I see no justification for the inaction involved. If for considering Ext. P5 the concurrence of the registered owner and of the financier is necessary, the respondent is free to issue notice to those parties and take a decision in the matter. This is all the more so, since the petitioner has obtained Exts. P8 and P8(a) judgmetn and decree against the registered owner and the financier.

3. Therefore, I dispose of this writ petition directing that the respondent shall take up the matter and pass orders with notice

to the registered owner and the financier. Before considering Ext. P5, there shall be a condition that if there is any amount that is due towards tax to the respondent, that shall be cleared by the petitioner.

ANTONY DOMINIC
JUDGE

jan/-